

REMARKS

Claims 1-14 are pending. By this Amendment, no claims are cancelled, claims 1, 3, 4 and 9-14 are amended and new claims 15-16 are added.

35 U.S.C. § 112

The Examiner rejected claims 1-14 under 35 U.S.C. § 112 second paragraph, as being indefinite. In particular, the Examiner questioned, in claim 1, how a single mounting element can comprise two spacing members and suggested that the term "mounting element" be replaced with the term "mounting structure." As the Examiner has suggested, claim 1 has been amended to recite a "mounting structure." Applicant respectfully submits that a mounting element or mounting structure may comprise two spacers in much the same way a bicycle comprises two wheels. There is nothing inherently contradictory about a structure or element having more than one subpart. Applicants respectfully request the Examiner withdraw the rejection.

With regard to claim 4, the Examiner indicated that claim 4 was internally inconsistent because claim 1 indicates that the two spacing members are clamped, and claim 4 indicates that a sensing head protrudes into the profile part without being supported thereon. By this Amendment, Applicant has amended claim 4 to recite "wherein the sensing head when having been finally assembled, and after the mounting structure has been removed, protrudes into the profiled part without being supported thereon." Thus prior to final assembly the spacing members are present but following final assembly the spacing members are removed and the sensing head is no longer supported by the profile part. Applicants respectfully request that the Examiner withdraw the rejection.

With regard to claim 13, the Examiner again questioned how a single element can have two spacing members, Applicant has amended claim 13 similarly to claim 4 above and also added new claim 15, which depends from claim 13, which indicates further limitations regarding the two spacing members. Applicants respectfully request that the Examiner withdraw the rejection. In addition, Applicant has provided antecedent basis for “the two parts of the profiled part”. Applicants respectfully request that the Examiner withdraw the rejection.

With regard to claim 14, the Examiner indicates that claim 14 is internally inconsistent and that “the two parts” lacks antecedent basis. By this Amendment, Applicant has amended claim 14 to provide antecedent basis in response to the Examiner’s rejection. Applicants respectfully request that the Examiner withdraw the rejection.

35 U.S.C. § 103

The Office Action rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over reference DE 861206.6. Applicant respectfully traverses the rejection. The present invention addresses machinery in which to achieve good measurement results, a precise adjustment or positioning between the measurement head and the rule is required. The final assembly of the length measurement system to a machine must be done in such a way that the adjustment between the measurement head and the rule is accomplished when the measurement head is mounted to a first part of the machine and the rule is mounted to a second part of the machine, which is movable relative to the first part of the machine. According to the present invention, to achieve good adjustment, the length measurement system is pre-adjusted after manufacturer. In order to maintain good adjustment during assembly, when the rule and measuring head are assembled prior to final assembly, the measuring head and the rule are

coupled to each other by the mounting structure. The mounting structure then temporarily fixes the positioning of the measurement head relative to the rule until the length measurement system has been finally assembled to the machine. After final assembly has been achieved, the mounting structure is removed to allow relative movement between the sensing head and the rule. Following removal of the mounting structure, the sensing head and the rule are free to move without contact between them. Thus, for example, claim 1 considers the state of the sensing head and the rule prior to assembly when the removable mounting structure couples the measuring head to the rule. Claim 4 as amended, considers the condition of the measuring head and the rule after the removable mounting structure has been removed after final assembly has been achieved.

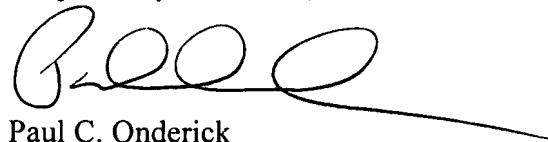
Applicant has included with this Office Action a translation of DE 8616206 which was cited by the Examiner in the office action. The Office Action indicates that the reference teaches "the sensing head is held within the profile part by two spacing members 30". With reference to the final paragraph of the translation, we note that element 30 is referred to as "sealing lips which cooperate with the sword 13 and prevents dirt and humidity from penetrating into the cavity of the housing." There is no indication in the reference that the sealing lips function to position a measuring head relative to a rule. Further, the sealing lips teach away from the invention as claimed because the sealing lips are permanently located and not removed from their location between the measuring head and the rule as are the spacers of the present invention. Thus, element 30 has nothing to do with a mounting structure which connects two legs of a profile part with the sensing head in preparation for assembly of a measurement rule. Thus, the reference does not anticipate or render obvious the claims in the present application as currently amended.

Applicant respectfully request that the Examiner withdraw the rejection. Newly added claims 15 and 16 depend from claims 13 and 14 and should be patentable for at least the same reasons as indicated for claims 13 and 14 above.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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